

SRI v. ISS and Symantec

Exhibit 1 to the Proposed Pre-Trial Order

STATEMENT OF FACTS WHICH ARE ADMITTED
AND REQUIRE NO PROOF L.R. 16.4(d)(3)

1. SRI International, Inc. (“SRI”) is a not-for-profit research institute incorporated under the laws of California, and has a regular and established place of business at 333 Ravenswood Avenue, Menlo Park, California 94025.

2. Defendant Internet Security Systems, Inc. of Delaware (“ISS-DE”) is incorporated under the laws of Delaware, with its principal place of business at 6303 Barfield Road, Atlanta, Georgia 30328.

3. Defendant Internet Security Systems, Inc. of Georgia (“ISS-GA”) is incorporated under the laws of Georgia, with its principal place of business at 6303 Barfield Road, Atlanta, Georgia 30328. ISS-DE and ISS-GA are referred to collectively as “ISS.”

4. Defendant Symantec Corporation (“Symantec”) is incorporated under the laws of Delaware, with its principal place of business at 20330 Stevens Creek Boulevard, Cupertino, California 95014.

5. This action arises under the patent laws of the United States, Title 35 U.S.C. § 1, et seq. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

6. This Court has personal jurisdiction over the parties.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400 because each of the defendants is subject to personal jurisdiction in this judicial district.

8. There are four patents at issue in this case (“the Patents-in-Suit”). Each of the Patents-in-Suit names as inventors Phillip Porras and Alfonso Valdes and each is assigned to SRI. The Patents-in-Suit are:

- a. United States Patent No. 6,321,338 B1 (“the ’338 patent”) entitled “Network Surveillance,” issued on November 20, 2001;
- b. United States Patent No. 6,484,203 B1 (“the ’203 patent”) entitled “Hierarchical Event Monitoring and Analysis,” issued on November 19, 2002;
- c. United States Patent No. 6,708,212 B2 (“the ’212 patent”) entitled “Network Surveillance,” issued on March 16, 2004; and
- d. United States Patent No. 6,711,615 B2 (“the ’615 patent”) entitled “Network Surveillance,” issued on March 23, 2004.
- e. The ’203, ’212, and ’615 patents were filed as continuation applications and have a priority filing date of November 9, 1998.

9. The patents-in-Suit relate generally to securing computer networks by monitoring and detecting suspicious activity.

10. ISS designs and develops in the United States and makes, sells, and offers for sale and has made, sold or offered for sale in the United States and abroad intrusion detection, prevention, and security management products under the RealSecure, Proventia, and SiteProtector names.

11. Symantec designs and develops in the United States and makes, sells, and offers for sale and has made, sold or offered for sale in the United States and abroad intrusion detection, prevention, and security management products under the Symantec Gateway Security, Symantec Network Security, ManHunt, and iForce names.